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**Remarks**

Claims 1-16 are pending in the application.

Claims 1, 5, 6, 9, 11 and 13 are rejected under 35 U.S.C. §112, ¶2, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 is objected to for an informality.

Claims 1-8 and 10-16 are rejected under 35 U.S.C. §102(e) as being anticipated by Haddock et al. (Haddock) US. Patent 6,104,700.

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include

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the limitations of those claims on which it formerly depended or whether an independent claim has been rewriting to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

### **Claim Objections**

Claim 8 is objected to, the Examiner stating that "a high speed buffer memory buffer memory" is redundant. Applicants have amended claim 8 as suggested by the Examiner. Therefore, the objection should be withdrawn.

### **Rejection Under 35 U.S.C. 112, Second Paragraph**

#### **Claims 1, 5, 6, 9, 11 and 13**

Claims 1, 5, 6, 9, 11 and 13 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection is traversed.

Applicants have herein amended claims 1, 5, 6, 9, 11, and 13 to correct any lack of antecedent basis which may have been present.

As such, claims 1, 5, 6, 9, 11 and 13 are allowable under 35 U.S.C. §112. Therefore, the rejection should be withdrawn.

### **Rejection Under 35 U.S.C. 102**

#### **Claims 1-8 and 10-16**

Claims 1-8 and 10-16 are rejected under 35 U.S.C. §102(e) as being anticipated by Haddock. The rejection is traversed.

In general, Haddock discloses a policy-based mechanism for managing, monitoring, and prioritizing traffic within a network and allocating bandwidth to achieve quality of service. (Haddock, Abstract).

Haddock, however, fails to teach or suggest each and every element of the claimed invention, as arranged in independent claim 1. Namely, Haddock is

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devoid of any teaching or suggestion of at least the limitation of "means for extracting routing information from said header of an arrived packet and generating a corresponding header packet for said arrived packet, wherein said header packet includes said extracted routing information," as claimed in Applicants' claim 1.

Rather, Haddock merely discloses use of header information that is within a packet. Haddock is devoid of any teaching or suggestion of extracting routing information from a header of a packet. Further, Haddock is devoid of any teaching or suggestion of generating a header packet, much less generating a header packet using routing information extracted from the header of an arrived packet, as claimed in Applicants' claim 1. In other words, the use of header information in a header of a packet, as disclosed in Haddock, is not generation of a header packet using routing information extracted from the header of a packet, as claimed in Applicants' claim 1.

In the Office Action, the Examiner cites specific portions of Haddock (Col. 6, Lines 25 – 40; Col. 4, Lines 35 – 45), asserting that the cited portions of Haddock teach Applicants' limitation of a header packet. (Office Action, Pg. 3). Applicants respectfully disagree. Applicants respectfully submit that the cited portions of Haddock are devoid of any teaching or suggestion of a header packet. Rather, the cited portions of Haddock merely describe use of information included within the header of a packet to perform different functions.

The first portion of Haddock cited by the Examiner (Col. 6, Lines 25 – 40) states that a comparison engine 155 determines the traffic group with which a received packet is associated using fields within the header of the received packet. As disclosed in Haddock, a packet classification process 150 provides the comparison engine 155 with information regarding the locations and fields of the header of the received packet that should be used determine the traffic group. Specifically, Haddock states that "[t]he packet classification block 150 may employ the traffic group indications provided by the network manager to provide the comparison engine 155 with information regarding locations and

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fields to be compared or ignored within the header of a received packet." (Haddock, Col. 6, Lines 32 – 36).

In other words, the packet classification block 150 tells the comparison engine 155 which fields of the header to look at and the comparison engine uses those fields to determine the traffic group. Thus, the cited portion of Haddock merely discloses use of information in the header of a packet in order to classify the packet. The cited portion of Haddock is devoid of any teaching or suggestion of extracting routing information from the received packet. Rather, Haddock merely states that information in the header of the packet is used. Furthermore, the cited portion of Haddock is devoid of any teaching or suggestion of generating a header packet, much less generating a header packet using routing information extracted from the header of an arrived packet as claimed in Applicants' claim 1.

The second portion of Haddock cited by the Examiner (Col. 4, Lines 35 – 45) states that a switch "forwards a packet received at an input port to an output port by performing a search on the forwarding database using address information contained within the header of the received packet." (Haddock, Col. 4, Lines 39 – 42, Emphasis added). In other words, the cited portion of Haddock merely discloses use of information in the header of a packet in order to determine how to route the packet through the switch. The cited portion of Haddock is devoid of any teaching or suggestion of extracting routing information from the received packet. Rather, Haddock merely states that information in the header of the packet is used. Furthermore, the cited portion of Haddock is devoid of any teaching or suggestion of generating a header packet, much less generating a header packet using routing information extracted from the header of an arrived packet as claimed in Applicants' claim 1.

As such, Haddock fails to disclose each and every element of the claimed invention, as arranged in independent claim 1. Therefore claim 1 is allowable over Haddock under 35 U.S.C. §102(e). Claim 11 recites relevant limitations similar to those recited in independent claim 1. Accordingly, for at least the same

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reasons discussed above, Haddock fails to disclose each and every element of the claimed invention, as arranged in independent claim 11.

Furthermore, Haddock fails to teach or suggest each and every element of the claimed invention, as arranged in independent claim 16. Namely, Haddock is devoid of any teaching or suggestion of extracting routing information from a header of an arrived packet and generating a corresponding header packet for the arrived packet. As such, Haddock fails to teach or suggest "means for extracting routing information from an arrived packet and generating a packet record corresponding to the arrived packet. Thus, Haddock must also fail to teach or suggest at least the limitations of "a processor for processing the packet record corresponding to the arrived packet and determining a route and resource assignments for the arrived packet, the processor assigning packet forwarding information to the packet record corresponding to the arrived packet" and "means for retrieving the data information of the arrived packet from the predetermined memory locations and assembling an outgoing packet corresponding to the arrived packet from the data information of the arrived packet, the packet record corresponding to the arrived packet, and the packet forwarding information assigned to the packet record corresponding to the arrived packet," as claimed in Applicants' claim 16.

As such, claims 1, 11, and 16 are allowable under 35 U.S.C. §102. Furthermore, since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Haddock under 35 U.S.C. §102.

Therefore, claims 1-8 and 10-16 are not anticipated by Haddock and are allowable under 35 U.S.C. §102(e). As such, the rejection should be withdrawn.

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**Conclusion**

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Michael Bentley or Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

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